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24 **UNITED STATES DISTRICT COURT**

25 **DISTRICT OF NEVADA**

26 TRAVELERS CASUALTY AND
19 SURETY COMPANY OF AMERICA,
a Connecticut corporation,

20 Plaintiff,

21 vs.

22 WILLIAMS BROTHER, INC., a
23 Nevada corporation; PEEK
24 CONSTRUCTION COMPANY, a
25 Nevada corporation; MICHAEL
WILLIAMS, an individual; JOSIE
WILLIAMS, an individual; ASHLEY
WILLIAMS, an individual; MARIA

Case No.: 2:12-cv-00058-LDG-NJK

**TEMPORARY RESTRAINING
ORDER**

1 WILLIAMS, an individual; MARK
2 GUBLER, an individual; DAWNA
3 GUBLER, an individual; DARIN
4 GUBLER, an individual; and KAREN
5 GUBLER, an individual; BRENDA
6 COMPTON PEEK, an individual;
7 MICHAEL L. PEEK, an individual;
8 ECCL HOLDINGS, LLC, a Nevada
9 limited liability company; BLC
10 NEVADA TRUST DATED APRIL 20,
11 2006, a Nevada Trust,
12

13 Defendants.

14 WILLIAMS BROTHER, INC., a
15 Nevada corporation; PEEK
16 CONSTRUCTION COMPANY, a
17 Nevada corporation,

18 Counterclaimants,

19 vs.

20 TRAVELERS CASUALTY AND
21 SURETY COMPANY OF AMERICA,
22 a Connecticut corporation,

23 Counterdefendant.

24 The Court has considered Travelers' motion to expand temporary
25 restraining order to include corporate defendants Peek Construction Company,
26 Inc., ECCL Holdings, LLC and BLC Nevada Trust dated April 20, 2006, pending
the hearing and determination of plaintiff's motion for a preliminary injunction
in this action; Travelers' motion for preliminary injunction freezing defendants'
assets and the opposition and reply thereto [Dkt. 225, 236, 237]; and the
affidavit(s) of Travelers' counsel [Dkt. 226-229].

24 The Court finds that Travelers has a strong chance of success on the
25 merits of its lawsuit against all defendants; it appears that Travelers has
26

1 demonstrated defendants' unauthorized disposition of Travelers' collateral, and
2 that Travelers faces irreparable injury from the dissipation of assets that may be
3 used to satisfy defendants' common law and contractual obligations to post
4 collateral security with Travelers for any potential losses sustained under the
5 payment and performance bonds it wrote on behalf of defendants; that
6 Travelers has sought specific performance of its contractual collateral security
7 obligation and has a strong chance of success on that claim; that the money
8 damages from any eventual judgment do not provide an adequate remedy for
9 the failure to honor such an obligation, which is due before any indemnity
10 obligation, *see e.g.*, *Milwaukie Constr. Co. v. Glens Falls Ins. Co.*, 367 F.2d 964, 966
11 (9th Cir. 1965)(“[W]here [a surety knows it will] have liability claims filed
12 against it but [does] not know the amount of those claims, the legal remedy of
13 money damages [is] not adequate.”); and that defendants have notice of this
14 temporary restraining order.

15 On the basis of these pleadings and the above findings,

16 1. IT IS ORDERED enjoining and restraining Peek Construction
17 Company, Inc., ECCL Holdings, LLC and BLC Nevada Trust dated April 20,
18 2006, by themselves or through others, from selling, transferring, disposing of,
19 or encumbering their assets and property including the assets and property of
20 all entities owned or controlled by them, or expending any funds until
21 resolution of Travelers' Emergency Motion;

22 2. IT IS FURTHER ORDERED that Travelers shall be required to post
23 a bond or, in lieu of a bond, lawful money in the amount of \$10;

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1 3. IT IS FURTHER ORDERED that the temporary restraining order
2 entered on July 11, 2013 as to the remaining defendants shall remain in effect
3 until the resolution of Travelers' pending motion for preliminary injunction.

4 DATED this 4 day of September, 2013.

Lloyd D. George
United States District Judge